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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/897,826	07/03/2001	Stephen Michael Reuning	Diedre/Candidate	3851

22925 7590 08/21/2003

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EXAMINER

RIMELL, SAMUEL G

ART UNIT	PAPER NUMBER
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2175

DATE MAILED: 08/21/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/897,826

Applicant(s)

REUNING, STEPHEN MICHAEL

Examiner

Sam Rimell

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**SAM RIMELL**  
**PRIMARY EXAMINER**

Art Unit: 2175

In view of the appeal brief filed on November 22, 2002, PROSECUTION IS HEREBY REOPENED. A non-final office action containing new grounds of rejection are set forth herein.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

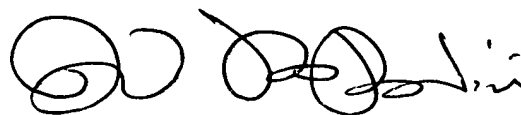
If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.



Sam Rimell  
Primary Examiner  
Art Unit 2175

Approved,



DOV POPOVICI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

Art Unit: 2175

Preliminary Note: In view of applicant's arguments submitted in the Appeal Brief of 11/22/03, the rejection of claims 1 and 6-19 under 35 USC 102 as being anticipated by Taylor, and claims 2-3 under 35 USC 103 as being obvious in view of Taylor and Official Notice have been vacated. This office action includes a new grounds of rejection by application of the reference to McGovern et al. (U.S. Patent 6,370,510). The previously applied rejections under 35 USC 112 are maintained. This office action is thus non-final.

Claims 9-12 and 16-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9: The phrase "as many linking levels as desired" is indefinite since it is not clear whether this would encompass one level, multiple levels, or no levels at all.

Claim 11: The phrase "advanced natural language screening technology" is indefinite. It is not clear what kinds of systems this would encompass.

Claim 16: See remarks for claim 9.

Claim 18: See remarks for claim 11.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by McGovern et al. (U.S. Patent 6,370,510).

Art Unit: 2175

Claim 1: McGovern et al. discloses a system in which job seekers voluntarily submit resumes to a company web site and which is subsequently stored in a company database (col. 17, lines 23-23). The resume is considered to be a web page by reason that it is converted into HTML format before storage in the company database (col. 17, line 16) and by additional reason that the resume can be displayed on program running on a web browser (col. 7, lines 5-10).

The system of McGovern et al. discloses a filter (col. 18, lines 51-67) in which a company employee (the hiring contact) can use a filtering program (search program) to search for specific resumes in the database. The resumes can also be scored (col. 17, lines 59-66), which acts and another type of filter mechanism.

The system of McGovern et al. further discloses an e-mail address extractor (col. 18, lines 24-35) in which the company computer will extract an e-mail address from its database and use that address to send correspondence to the job applicant who submitted the resume. The e-mail address appears to be extracted from the resume database because the applicant does not have to submit the resume using e-mail, or in any kind of e-mail format (col. 17, lines 18-23).

Claim 2: The resumes are web pages and the web pages can be scored (col. 17, lines 60-65).

Claim 3: The company computer is configured to send an e-mail to the job candidate who submitted the resume (col. 18, lines 30-35).

Claim 4: The system can generate a score for the resume (col. 17, line 60). Any job applicant can receive an e-mail (col. 18, lines 24-35). A job candidate that scores low can receive a rejection letter while a job candidate who scores high can receive a job offer.

Claim 5: The e-mails sent to the job candidates pertain to the job opportunity.

Claim 6: See remarks for claim 1.

Claim 7: See remarks for claim 3.

Claim 8: See remarks for claim 5.

Claim 9: The e-mail addresses are extracted from the resume data in the database. The is considered to read as one level of extraction.

Claim 10: The system of McGovern et al. has two filtering mechanisms, one for searching resumes using keywords (col. 18, lines 51-67) and one for filtering by scoring (col. 17, lines 60-66). The mechanism using keyword searching meets the limitations of this claim.

Claim 11: Keyword searching is considered to be an “advanced natural language screening technology”.

Claim 12: Key word searching inherently involves the usage of rules to evaluate the searched documents.

Claim 13: See remarks for claim 1.

Claim 14: See remarks for claim 3.

Claim 15: See remarks for claim 5.

Claim 16: See remarks for claim 9.

Claim 17: See remarks for claim 10.

Claim 18: See remarks for claim 11.

Claim 19: See remarks for claim 12.

This office action is non-final.

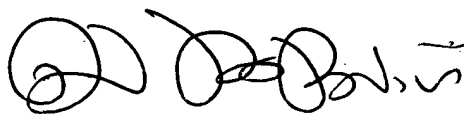
Art Unit: 2175

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.



Sam Rimell  
Primary Examiner  
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